IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7765 OF 2003

Smt.Bhagirathibai Krishnatsa Chavan & Anr. : Pensioners
(Orig.Objectors in
R.D. No.296/2002)

V/s.

Vishnu Gyanoba Bhandari & Ors. : Respondents

...

Mr.Shrishail Sakhare for the petitioners.

Mr.A. K. Suryavanshi for the respondents.

...

CORAM : S.A. BOBDE, J.

March 17, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Suryavanshi waives service of rule on behalf of the respondents.

Heard by consent.

2. The petitioners are aggrieved by the order rejecting their application under Order 21 Rule 97. The petitioners claim to be tenants of the premises in respect of which the respondents have obtained a decree against the petitioners' brother. The petitioners claim tenancy independent of their brother.

3. Having heard the learned counsel for sometime, the following order is passed by consent:-

The impugned order dated 13.8.2003 is set aside. The matter is remanded back to the executing Court for a fresh decision, in accordance with law. The rule is made absolute in the aforesaid terms.

Sd/-

S.A. BOBDE, J.